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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,075	03/19/2004	Katsumi Tanoue	8001-1194	7050

466 7590 02/08/2007
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EXAMINER

BEAMER, TEMICA M

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/804,075

Applicant(s)

TANOUE, KATSUMI

Examiner

Temica M. Beamer

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 and 8-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Choi et al (Choi), U.S. Patent Pub. No. 2006/0013165:

Regarding claims 1, 8, 9, 13, 17 and 18, Choi discloses a wireless communication system comprising: a plurality of base stations simultaneously communicating with a mobile station by receiving a radio signal relating to a first communication type transmitted by the mobile station; a specific base station communicating with the mobile station by receiving a radio signal relating to a second type different from the first relating the first communication type, from said plurality of base stations, and receiving a signal, based on the radio signal relating to the second communication type, from said specific base station, wherein said controller transmits a first control signal to said plurality of base stations and said specific base station, on the basis of the signal based on the radio signal relating to the second communication type received from the specific base station (0024, 0025, 0037, 0040, 0041).

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Regarding claims 2, 10 and 14, Choi discloses a wireless communication system wherein the first communication type is applied to a voice communication, the second communication type is specialized to a packet access communication (0025, 0041).

Regarding claims 3, 11 and 15, Choi discloses wireless communication system wherein the signal received by said controller from said specific base station comprises a quality information on the radio signal relating to the second communication type received by the specific base station from the mobile station, said controller generates the first control signal on the basis of the quality information (0032).

Regarding claims 4, 12 and 16, Choi discloses the wireless communication system wherein said controller generates a quality target, as the first control signal, for the radio signal received by said plurality of base station and said specific base station communicating with the mobile station (0032-0034).

Regarding claim 5, Choi discloses a wireless communication system wherein said plurality of base stations and said specific base station receive the first control signal transmitted by said controller, and transmits a second control signal to the mobile station, on the basis of the first control signal (0034).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 7, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi in view of Das et al (Das), U.S. Patent Pub. No. 2004/0203980.

Regarding claims 6 and 19, Choi discloses a wireless communication system wherein the signal received by said controller from said specific base station comprises a quality information on the radio signal relating to the second communication type received by the specific base station from the mobile station, the first control signal is a quality target for the radio signal received by said plurality of base stations and the radio signal received by the specific base station from the mobile station (0032).

Choi, however, fails to disclose wherein the second control signal is a transmit power control signal for controlling a transmit power of the radio signal transmitted by the mobile station.

In a similar field of endeavor, Das discloses a method for improving uplink control channel efficiency in a wireless communication system. Das further discloses wherein a control signal is a transmit power control signal for controlling a transmit power of the radio signal transmitted by the mobile station (0014, 0018).

At the time of invention, it would have been obvious to a person ordinary skill in the art to modify Choi with the teachings of Das for the purpose of ensuring optimal system efficiency.

Regarding claims 7 and 20, the combination of Choi and Das discloses a wireless communication wherein the transmit power control signal directs to increase or decrease the transmit power of the radio signal transmitted by the mobile station (Das, 0022, 0023).

Conclusion

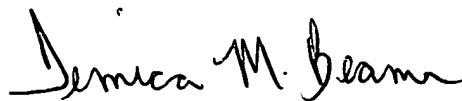
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (571) 272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Temica M. Beamer
Art Unit 2617

tmb



TEMICA BEAMER
PRIMARY EXAMINER